

REMARKS

This is a timely reply to the Office Action of July 14, 2003. In the Office Action, the Examiner stated that claims 8-14 and 16-24 are allowed. The Applicants thank the Examiner for his consideration and allowance of these claims. In the Office Action, the Examiner has rejected Claims 1, 3-6 and 15 under 35 USC 102(b). Specifically, the Examiner asserts that the German Patent DE 4105742 anticipates the claims of the present application. The grounds for rejection are traversed below.

Claim Rejections – 35 U.S.C. §102

In section 2 of the Office Action, the Examiner rejected claims 1, 3-6 and 15 under 35 U.S.C. 102 (b) as being anticipated by the German Patent No. DE 4150742, herein referred to as “the German Patent.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The Applicants respectfully submit that the cited references do not contain all of the elements claimed in claims 1, 3-6 or 15.

The Examiner rejected Claims 1, 3-6 and 15 under 35 USC 102(b) as anticipated by the German Patent. The Examiner stated that the German Patent discloses a 2,6-diflourotolan represented by formula I, which is useful as component of liquid crystal mixture, referring to the abstract and compounds on page 17, lines 7-23. The Examiner also stated that the German Patent teaches that the group Rn can be an alkenyl group. The Examiner concluded that the German Patent anticipates the claimed compound. The Applicants respectfully disagree.

In Claims 1 and 15, the polar group that may be positioned at site X is selected from the group consisting of OCF₃(trifluoromethoxy), and NCS(isothiocyanate). The Applicants are unaware where in the German Patent a polar group selected from the group consisting

of OCF₃(trifluoromethoxy), and NCS(isothiocyanate) and positioned at site X is taught, disclosed or suggested.

The Applicants respectfully request that the Examiner provide more information on how he is interpreting the German Reference to teach, disclose or suggest that the chain attached to the second tolane is either OCF₃(trifluoromethoxy) or NCS(isothiocyanate). Even assuming p = 0 in the German Reference, R₂ is an alkyl or an alkenyl group, where one of the -CH₂- groups can be substituted with F or OCF₃. However, to have the -CH₂-group available for substitution, the shortest alkyl chain would be at least -CH₂-CH₃, where in the substituted form it would look like -OCF₂-CH₃. In light of the forgoing, the Applicants submit that the German Reference does not teach, disclose or suggest the structure claimed in Claims 1 or 15, wherein X is selected from the group consisting of OCF₃(trifluoromethoxy) or NCS(isothiocyanate).

The Applicant believes that independent claims 1 and 15, and claims 3-7, which depend from claim 1, are not anticipated by the German Patent, and respectfully requests that this rejection of these claims be withdrawn.

Closing Remarks:

In view of the foregoing, it is respectfully submitted that all now pending claims 1, 3-24 are in allowable condition. Reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

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Date


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